



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, DECEMBER 1, 2004

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Redevelopment Agency is called at 7:00 P.M. for the Purpose of Conducting City Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

1. **NOVEMBER 2, 2004 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS** 1
Recommended Action: Adopt Resolution Reciting the Facts of the General Municipal Election of November 2, 2004.

OATHS OF OFFICE:

Mayor - Elect Dennis Kennedy
Council Member -Elect Larry Carr
Council Member -Elect Mark Grzan
City Treasurer-Elect Michael Roorda
City Clerk Torrez

RECEPTION

Thanking Outgoing and Welcoming New Elected Officials

OATH OF OFFICE:

City Clerk-Elect Irma Torrez
Deputy City Clerk Tewes

PRESENTATIONS

DePaul Health Center MRI Status Report
Joanne Allen and Andrew Barna

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

ITEMS 2-10

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2004 QUARTERLY REPORT #3**..... 3
Recommended Action(s): Accept and File the RDCS Third Quarter Report for 2004.
3. **ACCEPTANCE OF DEWITT SEWER REPLACEMENT PROJECT**..... 21
Recommended Action(s):
 1. Accept as Complete the DeWitt Sewer Replacement Project in the Final Amount of \$419,618; and
 2. Direct the City Clerk to File the Notice of Completion with the County Recorder's Office.
4. **FINAL MAP APPROVAL FOR BARRETT PLACE (TRACT 9586)**..... 25
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement, and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
5. **FINAL MAP ACCEPTANCE FOR ALICANTE PHASE II (TRACT 9603)**..... 37
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement, and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
6. **AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA FOR EMERGENCY MANAGEMENT PERFORMANCE GRANTS**..... 49
Recommended Action(s): Authorize the Mayor to Sign the Agreement Between the County of Santa Clara and the City of Morgan Hill Accepting Program Funds for the Fiscal Year 2003 and 2004 Emergency Management Grants.
7. **SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND**..... 57
Recommended Action(s): Approve the Fiscal Year 2004-2005 Spending Plan for the Supplemental Law Enforcement Services Fund (SLESF).

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>JANUARY 2005 CITY COUNCIL/REDEVELOPMENT AGENCY MEETING SCHEDULE</u> 59 <u>Recommended Action(s):</u> 1. <u>Cancel</u> the Council's January 12, 2005 Special City Council Meeting; and 2. <u>Confirm</u> the City Council/Redevelopment Agency Goal Setting Session/Retreat for January 14 and 15, 2005.	
9.	<u>APPROVE AGREEMENT WITH WESTON MILES ARCHITECTS FOR EL TORO YOUTH CENTER AND FRIENDLY INN SCHEMATIC DESIGN</u> 61 <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Negotiate, Prepare and Execute the Professional Services Agreement for Architectural Consultant Weston Miles Architects (WMA) for Programming and Schematic Design Services Required at the El Toro Youth Center and The Friendly Inn, Subject to Review and Approval by the City Attorney.	
10.	<u>APPROPRIATE FUNDS TO PURCHASE A REPLACEMENT VEHICLE FOR THE BUILDING DIVISION</u> 71 <u>Recommended Action(s):</u> <u>Appropriate</u> \$25,000 from the Vehicle Replacement Fund to Purchase a Half-ton Pickup Truck and the Equipment Needed to Outfit the Truck.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 11

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
11.	<u>APPROPRIATE FUNDS TO BUY A REPLACEMENT VEHICLE FOR THE REDEVELOPMENT AGENCY'S GRAFFITI ABATEMENT PROGRAM</u> 73 <u>Recommended Action(s):</u> <u>Appropriate</u> up to \$11,000 from the RDA Fund and up to \$14,000 from the Unappropriated Equipment Replacement Fund to Purchase a Replacement Vehicle and Equipment Needed to Outfit the Vehicle.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 12

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12.	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 17, 2004</u> 77	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
13.	10 Minutes	<u>ZA-04-07: DIGITAL-VENTURE PROFESSIONAL CENTER</u>	113
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- Should the Council Decide to Allow an MRI Facility at the Venture Professional Center, <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
14.	5 Minutes	<u>LIMITATIONS ON CURBSIDE STORAGE OF GARBAGE AND RECYCLING CONTAINERS</u>	119
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
15.	10 Minutes	<u>CHAMBER OF COMMERCE AGREEMENT</u>	123
		<u>Recommended Action(s): Authorize</u> the Executive Director to Prepare and Execute an Agreement in an Amount not to exceed \$125,000 with the Morgan Hill Chamber of Commerce to Implement Their Economic Development Marketing Plan for Fiscal Year 2004-2005, Subject to Review and Approval by Agency Counsel.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>ACCEPTANCE OF THE AQUATICS CENTER PROJECT AND AMENDMENTS TO CONSULTANT AGREEMENTS AND PURCHASE ORDERS</u> <u>Recommended Action(s):</u> 1. <u>Accept as Complete</u> the Aquatics Center Project in the Final Amount of \$9,000,000 and <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office; 2. <u>Amend</u> Consultant Agreements as Follows, Subject to Review and Approval by the City Attorney: a) Nova Partners, Inc. for an Additional Fee not to exceed \$35,000 b) Pacific Geotechnical Engineering for an Additional Fee not to exceed \$2,377 c) Biggs Cardosa Associates for an Additional Fee, not to exceed \$1,880; 3. <u>Amend</u> Purchase Orders as Follows: a) Purchase Order No. 5355 with Miller Networks for Additional Installation of Voice/Data Cabling in an Amount not to exceed \$3,173.69 b) Purchase Order No. 4899 with Bay Alarm Company for Additional Fire Alarm Work and to Include Sales Tax on CCTV Equipment in a Total Additional Amount not to exceed \$1,638.25 4. <u>Appropriate</u> an Additional \$50,000 to the Project Budget from the Unallocated Redevelopment Agency Fund Balance; 5. <u>Clarify</u> that the \$1,000,000 of Park Development Funds (CIP#110097) Allocated at Award on July 16, 2003, May be Used for Construction and Purchase of Land; and 6. <u>Authorize Transfer</u> of \$28,975.57 from Unallocated General Fund Balance to the CIP Account.	137
17.	5 Minutes	<u>POSTPONEMENT OF REVIEW AND REASSIGNMENTS TO COUNCIL COMMITTEES AND OUTSIDE AGENCIES</u> <u>Recommended Action(s):</u> 1. <u>Council</u> Discussion Regarding the Postponement of Council Review and Reassignments to Committees and Outside Agency Appointments Until the Conclusion of the Council's Goal Setting Session; and 2. <u>Consideration</u> of Council Member Chang's Assignments for Possible Reassignment, as Deemed Necessary and Appropriate.	151

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	Accu-Balance Associates, Inc. v. City of Morgan Hill
Case Number:	Santa Clara County Superior Court, Case No. 1-04-CV-029263

3.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority	Government Code 54957
Public Employee Performance Evaluation:	City Attorney
Attendees:	City Council, City Attorney

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Case Name:	City of Morgan Hill v. VBN Corporation and ABSG Consulting, Inc.
Court/Case Number:	Santa Clara County Superior Court, Case Number 1-03-CV-008266.

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT